

### **REMARKS**

Applicant thanks the Examiner for the thorough examination of the present application.

Claims 1-5 are currently pending in the present application. Claim 1 has been amended. Support for the claim amendment may be found, at least, at page 5, lines 1-5 and Figures 1 and 2 of the specification. Applicant respectfully submits that no matter has been added by way of this amendment.

#### ***Information Disclosure Statement***

The Examiner objects to the Information Disclosure Statement (IDS) filed on April 8, 2005. Particularly, the Examiner has not considered citation CA, where the microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 202240/1986 (Laid open No. 102426/1988)(Wako Seishi Kabushiki Kaisha) 04 July, 1988.

Documents filed on April 8, 2005 were the references cited in the International Search Report (ISR). Applicant has submitted an English translation of the ISR issued by the ISA together with the Japanese ISR. Applicant believes that an English translation of a foreign patent office search report should be acceptable as a concise explanation, and therefore should be considered by the Examiner. Applicant submits that document BB of the IDS (JP-63-102426-U) is the Laid-Open publication of the document CA (Application No. 2022/40/1986). Thus, both BB and CA refer to the same document. Applicant submits herein a Supplemental copy of the form PTO/SB/08 submitted April 8, 2005 and respectfully requests that the Examiner indicate document CA as having been considered.

**35 USC §102(a) Rejection**

The Examiner has rejected claims 1-5 as allegedly anticipated by Koyama et al. US 2002/0123732. Applicant respectfully traverses.

Legal Standard for Determining Anticipation

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 1, as presently amended, recites, “*absorbent members being arranged such that a gap, which gap extends in a width direction of said diaper.*” The present invention provides the advantage of improved fit to the wearer’s crotch without causing the absorbent members to bag out. Thus, inconveniences such as liquid pooling in crotch portion, overhydration and leakage can be prevented.

Koyama et al. do not expressly or inherently teach this limitation. Applicant directs the Examiner’s attention to Figure 14, where it is clearly shown that the absorbent member, 2, lacks the requisite gap which extends in a width direction of the diaper. Koyama et al. teach a single absorbent core and two second absorbent cores disposed at outside areas of opposite side edges of the central absorbent core [0041]. The second absorbent cores have a belt-like configuration and are disposed along a longitudinal direction of the diaper. See also Figure 1, showing absorbent core, 4, and second absorbent cores, 6. Therefore, Applicant respectfully requests that the Examiner withdraw Koyama et al. as an anticipatory reference.

***Conclusion***

In view of the above amendment and remarks, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey, Reg. No. 32,881 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: February 1, 2007

Respectfully submitted,

By 

John W. Bailey

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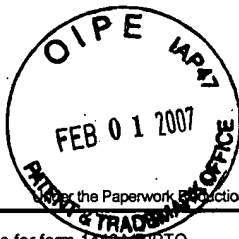
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Attachment: Supplemental Form PTO/SB/08 as filed on April 5, 2005



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PTO/SB/08a/b (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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Substitute for form 1449A/B/PTO				<b>Complete if Known</b>	
				Application Number	10/530,705
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Filing Date	April 8, 2005
				First Named Inventor	Takao KASAI
				Art Unit	3761
				Examiner Name	J.F. Stephens
Sheet	1	of	1	Attorney Docket Number	0445-0350PUS1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>8</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	BA	JP-11-513927-A		11-30-1999			
	BB	JP-63-102426-U		07-04-1988			

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>8</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 202240/1986 (Laid-open No. 102426/1988) (Wako Seishi Kabushiki Kaisha) 04 July, 1988.	

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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